

ORDINANCE NO. 29-2007

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 34 "VEGETATION", ARTICLE I, TO CREATE NEW CODE SECTION 34-11 TO BE ENTITLED "MAINTENANCE OF TOWN SWALE AREAS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted general provisions pertaining to vegetation and plantings and other improvements in swale areas within the Town which have been codified in Chapter 34 of the Code of Ordinances of the Town of Lake Park; and

WHEREAS, Town staff has recommended to the Town Commission that new Code Section 34-11 be created, to require property owners within the Town, to maintain the swale areas which abut, are adjacent or contiguous to, their real property in a good and proper, and neat and clean, condition; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend the Town's Code to provide for such additional regulations and procedures; and

WHEREAS, the creation of new Code Section 34-11, would preserve and protect the Town's swales and sidewalks and other Town property, and preserve and enhance property values within the Town, generally; and

WHEREAS, the purpose and intent of the creation of this new Code Section is to regulate the maintenance of swales within the Town.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF LAKE PARK, FLORIDA:**

Section 1. The whereas clauses are hereby incorporated as true and correct findings of fact of the Town Commission.

Section 2. Chapter 34, Article I, Section 34-11, of the Code of Ordinances of Town of Lake Park, Florida is hereby created to read as follows:

Sec. 34-11 Maintenance of town swale areas.

It shall be the duty and obligation of all owners and occupants of real property within the Town, to maintain all swale areas abutting, adjacent, or contiguous to their property, in a good and proper, neat and clean condition. This maintenance duty and obligation for owners and occupants of real property shall include, but not be limited to, sodding, grass cutting, proper landscape maintenance, removal of debris, plant waste, garbage, or trash, and the elimination of any dangerous conditions or safety hazards in all swale areas.

Section 3. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. Codification. The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the ordinance maybe renumbered or re-lettered to accomplish such.

Section 6. Effective date. This Ordinance shall take effect immediately upon passage.

Upon First Reading this 3 day of October, 2007,
the foregoing Ordinance 29-2007, was offered by Commissioner Carey
who moved its approval. The motion was seconded by Vice-Mayor Daly,
and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

Upon Second Reading this 17 day of October, 2007, the foregoing
Ordinance 29-2007, was offered by Commissioner Balius who
moved its adoption. The motion was seconded by Commissioner Carey,
and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

The Mayor thereupon declared Ordinance No. 29-2007 duly passed and adopted this
17 day of October, 2007.



Vivian Mendez
Vivian Mendez
Town Clerk

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro
Mayor, Paul Castro

Approved as to form and legal sufficiency:

Thomas J. Baird
Thomas J. Baird, Town Attorney